

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. C 05-0946 CRB

Plaintiff,

BRIEFING ORDER

v.

\$1,379,879.09 SEIZED FROM BANK OF
AMERICA, ET. AL,

Defendant.

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Now pending before the Court is Eurofed's motion for attorney's fees and costs. Without invoices detailing the work performed on the case, the Court is unable to determine whether the requested fees and costs are reasonable. Eurofed maintains that turning over unredacted invoices to the government would violate the attorney-client privilege. But the Ninth Circuit has held that "fee information generally is not privileged." Tornay v. United States, 840 F.2d 1424, 1426 (9th Cir. 1988). "Payment of fees is incidental to the attorney-client relationship, and does not usually involve disclosure of confidential communications arising from the professional relationship." Id. In any event, the Ninth Circuit has affirmed district court orders compelling the party seeking fees to submit invoices in camera. See Federal Sav. and Loan Ins. Corp. v. Ferm, 909 F.2d 372, 374-75 (9th Cir. 1990). Accordingly, Eurofed is ordered to submit all relevant invoices to the Court in camera by Monday, June 30, 2008.

1 In addition, the parties are permitted to file supplementary briefs not to exceed ten
2 (10) pages by June 30 addressing: (1) developments in the law on the meaning of
3 “substantially prevails” as used in 28 U.S.C. § 2465(b); and (2) whether Eurofed may be
4 considered a “claimant . . . convicted of a crime,” *id.* § 2565(b)(2)(B), because the bank was
5 owned, at least in part, by Pavel Lazarenko.

6 In order to permit the Court to review the submissions, the hearing scheduled for July
7 11, 2008 is VACATED and rescheduled for July 25, 2008.

8 **IT IS SO ORDERED.**

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10 Dated: June 23, 2008



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE